

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Applicants acknowledge with appreciation the indication in the Office Action that claims 21-24 are directed to allowable subject matter and would be allowed if placed in independent form, and that claims 26 and 27 are allowed.

Claims 17, 19, 22, and 25-27 have been amended for clarity. These amendments are considered to be non-narrowing; therefore, no estoppel should be deemed to attach thereto.

Claims 17, 18, and 25 stand rejected, under 35 USC §103(a), as being unpatentable over Parkvall et al. (US 6,542,736). Claims 19 and 20 stand rejected, under 35 USC §103(a), as being unpatentable over Parkvall in view of Laakso et al. (US 6,603,773). The Applicants respectfully traverse these rejections based on the points set forth below.

Claim 17 recites, *inter alia*, a base station deciding section that decides a modulation system and a coding system for transmitting a data channel based on information received from a communication terminal regarding the reception quality of a control channel. The Office Action proposes that Parkvall discloses these features in column 11, lines 12-26 (see Office Action page 2, last

line, through page 3, line 5). The Applicants respectfully disagree.

By contrast to the Office Action's proposal, Parkvall describes the operation of a mobile terminal in column 11, lines 12-26, rather than a base station having the above-noted features as defined by claim 17. According to Parkvall, this mobile terminal determines the signal quality of a pilot channel signal communicated by a sector base station (see Parkvall col. 11, lines 14-16), rather than receives information of the pilot channel's quality from a communication terminal as recited in claim 17. Based on the determined quality of the received pilot channel signal, Parkvall's mobile terminal determines a maximum data transmission rate (col. 11, lines 16-20), rather than determines a modulation system and coding system as recited in claim 17. Thereafter, Parkvall's mobile terminal communicates this determined transmission rate to the base station (col. 11, lines 20-24), rather than transmits a data channel signal according to the determined modulation system and coding system as recited in claim 17. Moreover, Parkvall does not teach or suggest using information of the base station's established transmit power values for the control and data channels in determining the modulation and coding systems to apply to the transmitted data channel signal, as recited in claim 17.

Accordingly, the Applicants respectfully submit that Parkvall does not disclose or suggest all of the above-noted claimed features and, thus, does not render claim 17 obvious. Independent claim 25 similarly recites the above-described features distinguishing apparatus claim 17 from the applied references, although with respect to a method. Therefore, allowance of claims 17 and 25 and all claims dependent therefrom is warranted.

Regarding claim 19, the Applicants submit that the applied references, considered alone or together, fail to teach or suggest the recited feature of estimating the reception quality of a data channel signal, to be received at a communication terminal apparatus, based on: (1) information of the reception quality of a control channel signal measured at the communication terminal apparatus and (2) transmit power values of the control and data channel signals sent by a base station apparatus. The claimed invention provides an estimate of the reception quality of a data channel signal to be received at a communication terminal apparatus before the data channel signal is transmitted. The Office Action acknowledges that Parkvall does not disclose estimating the expected reception quality of a data channel using transmit power values of a control channel and the data channel signal (Office Action page 4, lines 8-11), but proposes that Laakso discloses this feature in column 3, lines 13-20 and 58-67, column 4, lines 1-6,

17-25, and 59-64, and column 11, lines 39-59 (Office Action page 4, lines 11-15).

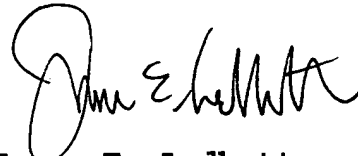
However, the Applicants note that Laakso discloses adjusting the transmit power of control information so that a receiving apparatus will not errantly receive and misinterpret the control information (see Laakso col. 2, lines 45-59 and 61-66). Accordingly, a power control bit is used to indicate and regulate the communication quality of control information, but is not used to estimate the reception quality of a data channel signal. Moreover, Laakso does not disclose estimating the reception quality of a data channel signal based on three parameters, namely, the reception quality of a pilot channel signal, the transmit power of the pilot channel signal, and the transmit power of a data channel signal.

Accordingly, the Applicants submit that Parkvall and Laakso, taken singly or in combination, do not teach or suggest all of the above-noted claimed features and, thus, does not render claim 19 obvious. Therefore, allowance of claim 19 and dependent claim 20 is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James E. Ledbetter". The signature is fluid and cursive, with a large initial "J" and "L".

James E. Ledbetter
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JEL/DWW/att

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